1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan Border Peoples AE3

Yun Lung, "Bër Wa Dser," probably the oldest term, meaning "People of the White King". None of these names refer to the colour of the skin, for the Min Chia, like the Chinese, are unacquainted with the use of "white" as a descriptive term for one of the races of mankind. To them people of all the races of eastern Asia and of Europe are the same in colour, only Indians (and presumably Negroes if they were ever to see one) being described as "black men". This attitude is not incorrect. Among the light skinned mountain peoples of western China it is not the colour of the skin, but the black hair and Mongolian features of the face which differentiate them from Europeans.

The origin of the use of the term "white" in connection with the Min Chia is not known to the people themselves. Some suggest that it is in fact derived from that mysterious ruler, the "White King", concerning whom there are certain legends. The name, like the current Chinese term for the Shans, "Pai I" meaning "white clothes" may have referred to an earlier fashion for dressing in white. The Min Chia do not now do so, but nor for that matter do the Shans either. In common parlance the imprecision of these names does not matter, for it is not so much race as language which is present as the differentiating factor in the minds of the people—does a man "Speak White" i.e. Min Chia, or "Speak Han" i.e. Chinese. The situation is the exact converse of that found, in say, Wales. Whether a man speaks Welsh or not he is "Welsh", if born of stock long resident in Wales. In Ta Li if a man speaks Min Chia, he is Min Chia, if he does not, he is "Chinese"—even though his mother is well known to be Min Chia both by descent and by language.

The fact, so rare and refreshing to-day as to be almost disturbing to the European, is that here the nationality complex does not exist. People of widely sundered racial origin are not only not differentiated on this basis, but are barely

1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

563 conscious of this factor as marking them off from their
554 neighbours. Language and education, or the lack of it, are
829 the accepted standards for determining the status of the individual. No political discrimination divides the Chinese settler or official from the natives of the land. If a Min Chia is able to read and write Chinese—as many are—then he is eligible for every post that a Chinese could fill, and this applies also to the less civilised tribes of Yunnan. The "Chinese", so called, resident in Ta Li, apart from a few merchants from Ssu Ch'uan who are recent immigrants, are in fact all partly of Min Chia descent.

The only partial exception to this attitude towards race is found in the case of the Moslem population, a historical curiosity, for this community is descended from the mercenary Central Asiatic soldiery used by the Mongol Emperors in their conquest of Yunnan. The Moslems, still keeping to the essential practices of their religion, form a group apart. They speak no language but Chinese or Min Chia, but they neither intermarry with the non-Moslem population, nor partake of hospitality at a non-Moslem table. Once numerous and powerful, their strength was broken after the failure of the great Moslem rebellion in Yunnan in 1874, when many thousands were slaughtered. To day they form a not unprosperous community mainly engaged in trade and transport, although they also own land and breed stock. For the most part they are "Chinese speakers" although four or five villages of Min Chia speaking Moslems are scattered about on the Ta Li plain. These are certainly of mixed race, the progeny of the original soldier settlers and the women of the country. None the less a physical type persists; aquiline features are quite common among the Moslems of Yunnan.

186 The lack of any strong national feeling among the Min
197 Chia has led many travellers to regard them as an absorbed

1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

vocate's fee is one dollar silver a day, but it is usual to employ two or three advocates, and cases may last several days, or be adjourned. In the latter case litigants from distant towns have to remain in Ta Li till the case comes on again, which involves further expense if the litigant has no relatives in the city. For these reasons resort to the civil courts is still regarded as the luxury, or the extravagance, of the wealthy, and does not appeal to the peasants as the obvious expedient for settling disputes.

In fact, the whole system of criminal and civil jurisprudence rests lightly upon the surface of Min Chia life, a sanction generally ignored, but useful in emergency, rarely touching the life of the ordinary individual. In spite of the reforms of modern times the old passive theory of government still operates in practice in such places as Ta Li. The duties of the government in former times were three; to collect taxes, to maintain order, and—a long way after the other two—to carry out such public works as were absolutely necessary. This theory, though no longer admitted, is still very much the practice; the idea that the government has duties of a positive kind towards the people gains way only slowly, and the corresponding realisation of a duty of the citizen to co-operate with the government makes even slower progress. Government is the business of officials, war the business of soldiers, commerce concerns merchants, and agriculture is all a farmer need think about; these were the old axioms, and in practice they still hold fast. The people neither expect nor desire the government to busy itself with their concerns; if a market is held in some out of the way spot in the countryside, hundreds of people with large quantities of merchandise and money assemble, but they do not expect or require the protection or presence of the police. A dispute over the water rights in rice lands, a matter vital to the villagers, is taken, not to the courts, but

1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

to the village elders and the arbitrators they agree to appoint. The government is not informed, nor does it wish to know what is decided.

This indifference to and independence of the government is carried over to matters of criminal nature, where the law might be expected to take an automatic course. In practice the people rarely invoke the law except in cases of armed robbery. A bandit is not a person towards whom one needs to use any consideration; if he has a family they will probably have disowned him to avoid being held as accomplices in his crimes. Therefore with a bandit one can safely call in the forces of law and order, since no unpleasant social relations with other members of his family are likely to result from such action. But with other kinds of criminals this factor is always present. The villagers themselves prefer to deal with a thief in their own way, sometimes a very drastic way, for if a man is found to be an incorrigible petty thief, the village assembles, sometimes asks and obtains the consent of the man's family, and either drives him out or even puts him to death by drowning. Consequently between the penalties enacted for various crimes and what actually happens to a detected criminal who has committed such a crime, there is often a wide difference. This is nowhere more evident than in crimes of a sexual nature.

Unlike their neighbours to the north, the Na Khi, who still retain a tolerance of pre-nuptial intercourse shocking to the Chinese, the Min Chia have wholly adopted the strict and uncompromising morality of the dominant culture. As has been mentioned, the seduction of a virgin, or even of an unmarried girl previously seduced by another (if such a case occurred), is not merely sin, it is a crime, which is punishable by a sentence of two or three years' imprisonment for the man concerned. The girl is not held guiltless of course, but the law takes no account of her fate, which is left to her

1: Fitzgerald H-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

582 by his intended. But they can usually be consoled by some diplomatic relative who can point out that really they are well out of it, for such a girl would clearly not have made a good daughter-in-law. The youth himself has of course to settle matters with his own family. They will probably be more concerned to placate the family of the girl to whom he is betrothed, justifiably indignant at the neglect of their own daughter and anxious about her future. Sometimes the boy will have to marry both to settle matters amicably, his betrothed as first wife, his love as concubine. This may seem ideal to the parents, but is hardly a promising arrangement
582 for future domestic peace. On the other hand the family of
626 the abducted girl can insist that marriage does in fact take place. Cases where the girl is seduced and abandoned are so rare that I was not able to hear of one. Here, at length, the law could be invoked if necessary, and the seducer, in danger of going to gaol for two or three years, would certainly prefer marriage even if his passion was cold.

In practice it is never necessary to bring things to this point. The law is never invoked, and not being called upon to act, the officials take no steps, even when the facts are well known. the subject of gossip on all sides, and the offender and his would-be bride living at hand within easy
626 reach. No one wants the law and its officers poking their
829 noses into private business. Even the well known fact that armed men were afoot, and a breach of the peace likely, does not rouse the police to action. If manslaughter were done, a reluctant government would be forced to take action, but it is fairly plain that no one expects this to happen. Thus in civil disputes, and even in criminal cases where the motive is not robbery or banditry, the government remains passive and the law is allowed to slumber. The Chinese government, whatever the theory of the reformers, is in practice still actuated by the Taoist principle of "non-

1: Fitzgerald II-5 (1937-1938) AE3 Sino-Tibetan
Border Peoples AE3

action", preferring to leave the people to govern themselves which they do very well, and which is all they ask.

Even in cases where the crime is in no sense a family matter the action of the law is reluctant and the possibilities of compromise infinite. During my residence in Ta Li a case of robbery with some violence occurred, which illuminates the attitude to crime on the part of people and officials alike. A young man of good family and education, impelled by some romantic or neurotic impulse, committed a series of burglaries, not because he was poor and needed money, for the objects he stole were of little worth. On the last occasion he was surprised in the room of the house he was robbing, and discovered. In the struggle that followed he stabbed the householder in the leg with a small penknife, inflicting a painful but not fatal or dangerous wound. He was overpowered by others in the house and the police summoned. The case being clear, he was carried off to the magistrate's gaol and held there while preliminary enquiries were made—enquiries which dragged on from month to month. There seemed no reason why the trial should be so delayed, since the facts were hardly in dispute.

Meanwhile his relatives, related as they were to every one of influence in the town, began negotiations for a compromise. By circuitous channels, through a relative who knew a friend, who had a friend who knew the victim of the robbery and assault, a proposition was at length put forward. If the victim would agree to forgo prosecution, various men of substance would be found to guarantee the criminal's future behaviour. The officials were perfectly aware of all this and eager to promote the compromise. At last it was agreed that if the criminal could find six men to guarantee his behaviour, who would also undertake to provide him with some means of livelihood, since his reputation and his occupation were equally lost, the victim would write to the